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10/025,268	12/18/2001	Roy Want	42390P12018	5674

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EXAMINER

SAXENA, AKASH

ART UNIT

PAPER NUMBER

2128

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/025,268	<b>Applicant(s)</b> WANT ET AL.	
	<b>Examiner</b> Akash Saxena	<b>Art Unit</b> 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,9,10,20,21,25-27,29,30 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,9,10,20,21,25-27,29,30 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claim(s) 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 has/have been presented for examination based on amendment filed on 29<sup>th</sup> January 2007.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29<sup>th</sup> January 2007 has been entered.
3. Claim(s) 1-4, 10, 20, 21, 25, 26, 27, 29, 30, and 34-36 is/are amended.
4. Claim(s) 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 remain rejected under 35 USC § 112.
5. Claim(s) 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 remain rejected under 35 USC § 102.
6. The arguments submitted by the applicant have been fully considered. Claims 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 remain rejected and this action is made NON-FINAL. The examiner's response is as follows.

***Claim Rejections - 35 USC § 112¶1<sup>st</sup>***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “portable electronic device 14 may emulate the electronic apparatus *on any one* of the plurality of different access devices” (Specification see below), does not reasonably provide enablement for “a portable device coupled with a plurality of access devices” (as in claim 1) where the term “coupled” is understood from the claim 3 language further stating “portable device is further to simultaneously emulate multiple access devices”. The specification does not enable a person skilled in the art to which it pertains, or with which it is most nearly connected, to *make and use* the invention commensurate in scope with these claims. Specification does not also state the claimed limitation, except in claims, where the communication between the portable electronic device and access device is disclosed. Specification Pg.5 ¶2 states:

The portable electronic device 14 includes an operating system 37, a mass storage module 38, e.g., a hard disc drive, and a wireless communication module 40 which includes a Bluetooth stack 42 and Bluetooth hardware 44. The wireless communication module 40 and the wireless communication interface 30 communicate with each other using standard Bluetooth IEEE 802.15 communication protocols when within a limited wireless communication range. Typically universal plug and play (UPA) technology is used so that, when the portable electronic device 14 is within the wireless communication range of an access device 12, communications can be established so that the portable electronic device 14 may emulate the electronic apparatus *on any one* of the plurality of different access devices 12 at different physical locations. Thus, a person or bearer of the portable electronic device 14 may use any access device 12, which is at a location proximate to the user.

Examiner had stated this rejection previously and the applicant at present has not addressed this rejection. The sections (Pg.4 Line 13-Pg.5 Line 7) cited by applicant

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do not show how the portable device can communicate with multiple access devices simultaneously or seamlessly as claimed.

Further examiner is unable to find support for the new limitation in claim 1, “seamlessly continuing to emulate the data as displayed...”. Examiner urges applicant to clearly point out support for this limitation in the specification.

Regarding Claim 2

Claim 2 presents the limitation:

the portable device comprises a display device to emulating emulate a display layout to simulate physical appearance of the selected first and second access-device devices.

The specification does not seem to be enabled to display layout to simulate physical appearance of the selected first and second access-device devices simultaneously. Examiner urges applicant to clearly point out support for this limitation in the specification.

Regarding Claim 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36

Further throughout the amended claim language “first and second access device” is amended, making it seem like portable device is interacting with both of them – no such support is found in specification.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1, 20, and 29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, 20 and 29

Claims 1, 20 and 29 disclose limitation of having first and a second access device with a limitation stating “seamlessly continuing to emulate the data as displayed on the second access device and previously being displayed on the first access device”. It is unclear what seamlessly implied – is the transition from one type of emulation seamless or whether both emulations are running together. Their respective dependent claims are rejected for the same reasons. There seem to be implied meaning that the portable device is communicating with both devices.

Regarding Claim 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36

It is unclear what is access device is defined as – in the remarks access device as defined by applicant could be a PC, PDA or any other electronic hardware that provides audio/video output. If that is the case what is considered to be a portable device is unclear, because specification does not seem to have a PDA emulating a PDA or any similar example. A clear definition of terms “Access Device”, “Portable Device”, “First and Second Access Device” being seamlessly emulated is requested from specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**9. Claims 1-4, 9-10, 20-21, 25-27, 29-30 and 34-36 are rejected under 35**

**U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,292,186 issued to Lehman et al (Lehman hereafter).**

**Regarding Claim 1**

Lehman teaches a portable device (as PDA) or in general a Universal Information Appliance (UIA) (Lehman: Col.3 Lines 40-49) coupled with a plurality of access devices (Other wirelessly controlled Devices) (Lehman: Col.1 Lines 27-67 – garage door remote, TV remote etc interfaces). Lehman teaches *selecting a first access device from the plurality of access devices* (Lehman: Col.4 Line 66- Col5 Line 7; Col.3 Lines 64-Col.4 Lines 10; Col.1 Lines 42-57 – selecting between a TV remote and garage remote executing different functions and having interface) *to be emulated at the portable device*, as a plural graphical user interface (GUI) instantiations (Lehman: Col.3 Lines 50-58), *when the portable device is within a first wireless communication range of the first access-devices device* (Lehman: Col.4 Line 66- Col5 Line 7). Lehman also teaches *emulating the first access device the*

*emulating of the access device including emulating data as displayed on the access device* (Lehman: Col.3 Lines 50-58).

Lehman teaches emulation is running as an application on the portable device (Lehman: Col.3 Line 50-Col.4 Line 10). *A skilled artisan in the art of mobile computing knows various GUI means for switching to select between applications.* Shown below are various applications such as calculator, electronic address book, digital clock etc, as evidentiary support is application interface from Palm Pilot Handbook 1997<sup>1</sup>. Although these examples are not emulating in context on current application – they are used to illustrate the application can be switched seamlessly on the portable device<sup>2</sup>. Lehman teaches such application design for PDA like Palm Pilot (Lehman: Col.3 Lines 40-49) as well as windows CE (Lehman: Col.1 Lines 35-37). Lehman also teaches an embedded system to emulate the access device selected from the plurality access devices (Lehman: Fig.2-3 Col.5 Lines 8-47; devices such as TV remote, Garage Door opener, GUI application tailored for users with physical impediment - Col.1 Lines 42-67; Col.4 Lines 20-24; Col.4 66-Col.5 Line 7; Col.3 Lines 12-15; Col.3 Line 64-Col.4 Line 2).

Lehman teaches first device as TV remote and second device and emulation thereof as Garage door opener for example (Lehman: Col.1 Lines 42-58). Portable devices like Palm and Windows CE can run multiple applications running seamlessly.

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<sup>1</sup> PalmPilot™ Handbook – 1997 – Pg.ii, 27-29

<sup>2</sup> U.S. Patent No. 6,401,059 – See Fig.2 of Palm device emulating 2 separate remotes (TV & VCR) as evidentiary support.



Regarding Claim 2 (Updated)

Lehman teaches portable device comprises a display device to emulating emulate a display layout to simulate physical appearance of the selected first and second access-devices using a computer code written in MoDAL language (Lehman: Col.1 Lines 42-67; Col.3 Line 50 Col.4 Line 9; Col.5 Lines 48-59). Lehman teaches plural GUI instantiations for (Lehman: Col.3 Lines 50-57) which represents multiple GUI being rendered for access devices.

Regarding Claim 3

Lehman teaches controller causes the portable electronic device to simultaneously emulate multiple remote electronic devices from the plurality of remote electronic device (Lehman: Col.1 Lines 42-67 Col.4 Lines 66-Col.5 Line 7; Col.3 Lines 12-15; Col.3 Line 64-Col.4 Line 2).

Regarding Claim 4 (Updated)

Lehman teaches emulating of the data comprises executing functions on the first and second access devices via the portable device (Lehman: Col.2 Lines 49-Col.3 Lines-16). Lehman teaches plural GUI instantiations for (Lehman: Col.3 Lines 50-57).

Regarding Claim 9 (Updated)

Lehman teaches a portable electronic device like Palm Pilot from 3Com (release 1997), which is known in the art to have features like a calculator and PDA (Lehman: Col.3 Lines 40-49). Windows CE is known to support other disclosed applications as well.

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Regarding Claim 10 (Updated)

Lehman teaches the system of claim 1, wherein the portable device is further to determine whether the first and second **access device is capable of providing the data** for emulation **to the access device** (Lehman: Col.4 Line 66- Col.5 Line 7 & Lines 25-27).

Regarding Claim 20 (Updated as claim 1)

Method claim 20 is directed towards the same limitations as the system claim 1 and is rejected for the same reason as claim 1.

Regarding Claim 21 (Updated)

Claim 21 is directed towards the same limitations as the claim 2 and is rejected for the same reason as claim 2.

Regarding Claim 25 (Updated)

Lehman teaches communication between the portable device and first and second (for that fact any number of) access device is established via Bluetooth (Lehman: Col.5 Lines 1-8).

Regarding Claim 26

Claim 26 is directed towards the same limitations as the claim 9 and is rejected for the same reason as claim 9.

Regarding Claim 27 (Updated)

Claim 27 is directed towards the same limitations as the claim 10 and is rejected for the same reason as claim 10.

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Regarding Claim 29 (Updated as claim 1)

Claim 29 is directed towards the same limitations as the claim 1 and is rejected for the same reason as claim 1.

Regarding Claim 30 (Updated)

Claim 30 is directed towards the same limitations as the claim 2 and is rejected for the same reason as claim 2.

Regarding Claim 34 (Updated)

Lehman teaches communication between the portable device and first and second (for that fact any number of) access device is established via Bluetooth (Lehman: Col.5 Lines 1-8).

Regarding Claim 35 (Updated)

Claim 35 is directed towards the same limitations as the claim 9 and is rejected for the same reason as claim 9.

Regarding Claim 36 (Updated)

Claim 36 is directed towards the same limitations as the claim 10 and is rejected for the same reason as claim 10.

***Conclusion***

1. All claims are rejected.
2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
3. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

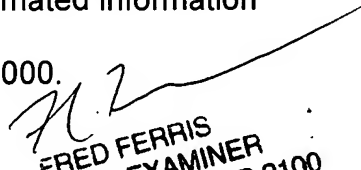
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**Communication**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akash Saxena whose telephone number is (571) 272-8351. The examiner can normally be reached on 9:30 - 6:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini S. Shah can be reached on (571)272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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